



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1850
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,431	01/28/2004	David P. Vronay	MS306697.1/MSFTP543US	3594

27195 7590 01/19/2007
AMIN. TUROCY & CALVIN, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
----------	--------------

2191

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/766,431

Applicant(s)

VRONAY ET AL.

Examiner

Anil Khatri

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-38 are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

Analysis: Claims 1-38 disclosed by the applicant as being an “event ordering system...”. Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-38 are non-statutory because they do not disclose that how a system will be able to receive temporal constraints and execute in a order without incorporating steps of carrying out its intend results and further without incorporating a processor, memory and medium. Therefore, claims 1-38 are unable to produce tangible useful results and its functionality cannot be realized. Thus, claims 1-38 are non-statuary and rejected under 35 SC 101.

Analysis: Claims 27-28 and 38 disclosed by the applicant as being a “a computer readable medium having stored...”. Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Art Unit: 2191

Further, examiner interprets that claims 27-28 and 38 are not limited to tangible embodiments. Claims 27-28 and 38 are readable medium the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., [computer readable medium]) and intangible embodiments (e.g., [transmission media, radio frequency (RF), infrared (IR), a carrier wave, telephone line, a signal, etc.]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: generating, determining, executing, registering/storing etc.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

"System and Method For Specifying and Executing Temporal Order Events".

Claim Objections

Claim 21 is objected to because of the following informalities: dependent claim 21 is improperly dependent and claim 29 should end with period (.). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by *Rossomando* USPN 6,910,204.

Regarding claims 1, 5, 9, 20, 27, 28 and 38

Rossomando teaches,

a constraint component that receives temporal constraints associated with a plurality of events (figures 4-5, column 2, lines 30-42, “these requirements... to an event”); and

Art Unit: 2191

an order component that determines an event order in accordance with the temporal constraints, wherein the event order specifies the execution order of events (column 7, lines 16-22, “a temporal relationship... focus area 222”).

Regarding claims 2, 3 12, 14 and 34

Rossomando teaches,

the constraint is an event start and/or a stop time (column 19, table 5, lines 40-46, “thus when...”).

Regarding claim 4

Rossomando teaches,

The constraints are a filter (column 18, lines 51-67, “another advantage... preferred embodiment”).

Regarding claim 6

Rossomando teaches,

Information about an executing system includes available memory (column 4, lines 22-45).

Regarding claim 7

Rossomando teaches,

Information about and execution system includes data throughput rate (column 18, lines 51-67, “another advantage... preferred embodiment”).

Regarding claims 8, 10, 11, 13, 15-19 and 21-26

Rossomando teaches,

Art Unit: 2191

a display component that provides a plurality of object workspaces, the workspaces including at least one of a past, present and/or future space, the present space is an editable area (figures 2-4, column 7, lines 28-41, “ at step 302... focus area specification”, column 73, lines 44-45); and a design component that temporally associates and/or disassociate objects in the editable area (figures 2-4, column 72, lines 5-6, “specifying a temporal... focus areas).

Regarding claims 29, 30 and 37

Rossomando teaches,

receiving object data associated with events from a workspace including at least one of a past, present, and future area (figures 1-5 and 7, columns 9-10, table 1); and, associating objects temporally based at least in part upon relative object locations (figures 2-4, column 72, lines 5-6, “specifying a temporal... focus areas).

Regarding claim 31 and 36

Rossomando teaches,

Operation object correspond to a loop (column 2, lines 60-67, “focus area...described above”).

Regarding claim 32

Rossomando teaches,

The operation object corresponds to a trigger (figures 4-7).

Regarding claim 33 and 35

Rossomando teaches,

Operational objects corresponds to a conditional (column 7, lines 42-65, “at step 304...”).


Art Unit: 2191

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ANIL KHATRI
PRIMARY EXAMINER